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MINISTRY OF LAW

*New Delhi, the 29th October, 1951.*

THE INDIAN INDEPENDENCE PAKISTAN COURTS  
(PENDING PROCEEDINGS) ORDINANCE, 1951

No. VI of 1951

An Ordinance to render ineffective certain decrees and orders passed by courts in Pakistan against a Government in India and to provide an alternative remedy to persons who have secured such decrees or orders.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance —

**1. Short title.**—This Ordinance may be called the Indian Independence Pakistan Courts (Pending Proceedings) Ordinance, 1951

**2. Definition.**—In this Ordinance the expression “decree to which this Ordinance applies” means any such judgment, decree or order as is referred to in—

(i) clause (3) of article 4 of the Indian Independence (Legal Proceedings) Order, 1947, or

(ii) paragraph (5) or paragraph (6) of article 13 of the High Courts (Bengal) Order, 1947, or

(iii) paragraph (4) or paragraph (6) of the High Courts (Punjab) Order, 1947,

which has been passed by a court in Pakistan and which imposes any liability or obligation on a Government in India

**3. Certain Pakistan decrees not to be given effect to in India.**—Notwithstanding anything contained in any of the Orders referred to in section 2, no decree to which this Ordinance applies shall be given effect to by any court or authority in India in so far as such decree imposes any liability or obligation on any Government in India.

**4. Right of holder of a decree to which this Ordinance applies to institute fresh proceedings in India.**—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908), any person in whose favour a decree to which this Ordinance applies has been passed may, within one year from the commencement of this Ordinance, institute a fresh suit or other legal proceeding in respect of the cause of action on which such decree was based, and any such suit or other legal proceeding may, notwithstanding anything contained in section 20 of the Code of Civil Procedure, 1908 (Act V of 1908), or in any other law or in any agreement to the contrary relating to the place of suing, be instituted in any court otherwise competent to try it, within the local limits of whose jurisdiction the person instituting it voluntarily resides or carries on business or personally works for gain.

RAJENDRA PRASAD,  
*President.*

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K. V. K. SUNDARAM,  
*Secy. to the Govt. of India.*